

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALVIN AUBREY ROE,

Defendant.

CR-17-16-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 15, 2022. (Doc. 309.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 14, 2022. (Doc. 304.) The United States accused Alvin Roe (Roe) of violating his conditions of

supervised release 1) by failing to report for substance abuse treatment; 2) by consuming marijuana on two occasions; 3) by failing to report for substance abuse testing on two separate occasions; 4) by smoking marijuana; 5) by using methamphetamine on two separate occasions; 6) by committing another crime; 7) by failing to follow the instructions of his probation officer; and 8) by submitting a diluted urine sample. (Doc. 302.)

At the revocation hearing, Roe admitted that he had violated the conditions of his supervised release 1) by failing to report for substance abuse treatment; 2) by consuming marijuana on two occasions; 3) by failing to report for substance abuse testing on two separate occasions; 4) by smoking marijuana; 5) by using methamphetamine on two separate occasions; and 8) by submitting a diluted urine sample. (Doc. 304.) Judge Johnston found that the violations Roe admitted proved to be serious and warranted revocation, and recommended that Roe receive a custodial sentence of 6 months, with 14 months of supervised release to follow. (Doc. 308.) Roe was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 304.)

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 309) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Alvin Aubrey Roe be sentenced to the Bureau of

Prisons for 6 months, with 14 months of supervised release to follow. Roe will serve his term of custody at the Bureau of Prisons' facility in Englewood, Colorado.

DATED this 6th day of July, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court

